

MARCH 2, 2022

VIA BOX.COM @ 11:33 PM

C/M

Hon. Brian M. Cogan
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

March 2, 2022

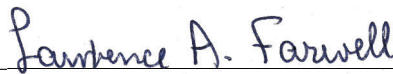
*rec in p drive 3/3/22

Re: *Brainwave Science, Inc. v. Arshee, Inc., Farwell, Maison, and Brain Fingerprinting Foundation*
21-cv-4402

Your Honor:

I am writing to withdraw the First Counterclaim by Defendant Farwell (myself) in the original Answer to Complaint dated October 18, 2021. I also withdrew said counterclaim in a letter dated February 28, 2022. However, said letter contained other provisions that were disputed by the Plaintiff, and I have subitted a revised version thereof. Therefore, for clarity at the possible cost of redundancy, I hereby withdraw said First Counterclaim in the original Answer to Complaint dated October 18, 2021.

For the sake of clarity, please note that the new First Counterclaim added in my letter of March 2, 2022 is NOT withdrawn and still stands.



Dr. Lawrence A. Farwell, Defendant

Date: February 28, 2022

Email: brainwave@larryfarwell.com

Website: <https://farwellbrainfingerprinting.com>

Phone: +1 206-905-1009

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Address: 28375 Sandy Beach Lane NE

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Kingston, WA 98346

Dr. Farwell must comply with the Federal Rules of Civil Procedure to the same extent as would a lawyer. An amended pleading supersedes all prior pleadings by the same party. Therefore, if a party has the right to file an amended pleading, there is no need to withdraw prior pleadings, but the party cannot file one pleading on top of another. Since it is unclear what document or documents Dr. Farwell thinks constitute his operative counterclaims, document [42] is denied and document [43] (the document labeled "Affidavit") is stricken. A counterclaim is not an affidavit and cannot be a 43 page single spaced submission. It has to be "short and plain statement of the claim." It only lays out the claim, it does not attempt to prove it. Dr. Farwell may refile an amended answer and counterclaim that conforms to the Rules.

The Court strongly suggests that Dr. Farwell consult with the City Bar Justice Center Federal Pro Se Legal Assistance Project in the Eastern District of New York. <https://www.citybarjusticecenter.org/projects/federal-pro-se-legal-assistance-project/>

SO ORDERED: 3/3/22

/s/(BMC)

Digitally signed by Brian M. Cogan

USDJ